

GOVERNMENT

SIKKIM



GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Tuesday 13th August, 2019

No. 345

**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK**

No. 7/LD/19

Date: 13.08.2019

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 9th day of August, 2019 is hereby published for general information:-

**THE SIKKIM LOKAYUKTA (AMENDMENT) ACT, 2019
(ACT NO. 07 OF 2019)
AN
ACT**

further to amend the Sikkim Lokayukta Act, 2014.

BE it enacted by the Legislature of Sikkim in the Seventieth Year of Republic of India, as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Sikkim Lokayukta (Amendment) Act, 2019.
 - (2) It shall extend to the whole of Sikkim.
 - (3) (a) The amendments of section 5 and 9 of the Act shall be deemed to have come into force on the 27th day of February, 2014.
 - (b) All other amendments shall come into force at once.

Amendment of section 3

2. In the Sikkim Lokayukta Act, 2014, (hereinafter referred to as the "said Act", for existing clause (a) of sub-section (2) of section 3, the following shall be substituted, namely:-

"(a) a Chairperson, who has been Chief Justice or a Judge of a High Court;"

**Amendment of
section 5**

3. In the said Act, in section 5, sub-section (2) shall be omitted.

**Amendment of
section 7**

4. In the said Act, for the existing clause (a) of section 7, the following shall be substituted, namely:-
“(a) the Chairperson shall be the same as those of the Chief Justice or a Judge of the High Court of Sikkim as the case may be.”

**Amendment of
section 9**

5. In the said Act, in section 9,-

(i) in sub-section (1), for the existing words “appointed by the Chairperson from among a panel of name sent by the State Government”, the following words shall be substituted, namely:-

provided by the State Government either by way of transfer on deputation or appointment as the case may be;

(ii) in sub-section (2), for the word “Chairperson”, the words “State Government” shall be substituted;

(iii) sub-section (3) shall be omitted;

(iv) for sub-section (4), the following sub-section shall be substituted, namely:-

“(4) The Officers and staff required for the functioning of the Lokayukta shall be provided by the State Government in consultation with the Chairperson.”

(v) in sub-section (5), after the word “Sikkim” and before the words “may make”, the words “in consultation with the State Government” shall be inserted;

(vi) after sub-section (5), the following new sub-section (6) shall be inserted, namely:-

“(6) In case of a person who has been in the rank of Secretary to the Government and who is appointed as Secretary to the Lokayukta in terms of sub-section (1), such person shall hold office for a period of 5 (five) years or till the age of 65 years, whichever is earlier”.

**Amendment of
section 22**

6. In the said Act, in sub-section (1) of section 22, after the word “agency of the Government”, the words “in consultation with the State Government” shall be inserted.

**Amendment of
section 30**

7. In the said Act, in section 30,-

(i) after clause (c) of sub-section (5), the following new clause (d) shall be inserted, namely:-

“(d) is guilty of proved misbehaviour or incapacity after an inquiry made by the Chief Justice of the High Court of Sikkim or by such other Judge of the High Court of Sikkim as the Chief Justice may nominate in this behalf.”

(ii) the repeated sub-section (5) appearing after clause (c) of sub-section (5) shall be renumbered as sub-section (6).

**Amendment of
section 45**

8. In the said Act, for the existing section 45 and the entries relating thereto, the following shall be substituted, namely:-
“45. The State Government may transfer any allegation of corruption pending inquiry before the Vigilance Wing of the State Government or any other body or authority or Commission of Inquiry, constituted under the Commission of Inquiry Act, 1952, as the case may be, to the Lokayukta constituted under this Act to be dealt with in accordance with the provisions of this Act.”

**Jagat B. Rai (SSJS),
L.R.-cum-Secretary,
Law Department.**